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HOUSE BILL 630

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO DEVELOPMENT FEES; REMOVING SCHOOLS FROM THE LIST OF
ITEMS NOT PAYABLE BY IMPACT FEE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 5-8-5 NMSA 1978 (being Laws 1993,
Chapter 122, Section 5) is amended to read:

"5-8-5. ITEMS NOT PAYABLE BY FEE. -- Impact fees shall not
be imposed or used to pay for:

A. construction, acquisition or expansion of public
facilities or assets that are not capital improvements or
facility expansions identified in the capital improvements
plan;

B. repair, operation or maintenance of existing or
new capital improvements or facility expansions;

C. upgrading, updating, expanding or replacing

underscored material = new
[bracketed material] = delete

1 existing capital improvements to serve existing development in
2 order to meet stricter safety, efficiency, environmental or
3 regulatory standards;

4 D. upgrading, updating, expanding or replacing
5 existing capital improvements to provide better service to
6 existing development;

7 E. administrative and operating costs of a
8 municipality or county except as provided in Paragraph (4) of
9 Subsection A of Section [~~4 of the Development Fees Act~~] 5-8-4
10 NMSA 1978;

11 F. principal payments or debt service charges on
12 bonds or other indebtedness except as allowed by Section [~~4 of~~
13 ~~the Development Fees Act~~] 5-8-4 NMSA 1978; or

14 G. libraries, community centers, [~~schools~~] projects
15 for economic development and employment growth, affordable
16 housing or apparatus and equipment of any kind except capital
17 improvements defined in Paragraph (3) of Subsection [€] D of
18 Section [~~2 of the Development Fees Act~~] 5-8-2 NMSA 1978. "

19 Section 2. EFFECTIVE DATE. --The effective date of the
20 provisions of this act is July 1, 2003